

#13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): LABRIE et al
US APPLN. SERIAL NO.: 09/786,305
INT. APPLN. NO.: PCT/US99/13592
INT. FILING DATE: 16 JUNE 1999
TITLE: APPARATUS FOR DEPLOYING AN AIRBAG THROUGH A HARD ...
PCT LEGAL ATTN ADVISOR: JAMES THOMSON
DOCKET: TRM DV2539

BOX PCT – ATTN: PCT LEGAL OFFICE
Assistant Commissioner for Patents
Washington, D.C. 20231

RENEWED PETITION UNDER 37 CFR 1.47(a)

Dear Sir:

Applicant files a Renewed Petition under 37 CFR 1.47(a) to accept filing when one inventor refuses and one cannot be found. The fee set forth in 37 CFR 1.17(i) is enclosed.

Applicant notes that on June 5, 2002 Applicant received a Decision on Renewed Petition under 37 CFR 1.47(a). In that decision the Examiner indicated that MPEP 409.03(d) had not been satisfied with respect to Vernon A. Daniels and John J. Kennedy. The Examiner was of the opinion that the documentary evidence provided (express mail return receipts) which demonstrated that the addressee was unknown and returned back to sender, was insufficient, and that MPEP required more than forwarding the application to the last known address. In addition the Examiner concluded that Applicants failed to use the internet or telephone to contact the subject inventors.

Applicant was provided with a two month period to file the Renewed Petition herein, and accordingly, this Renewed Petition is being filed within the time period set by the Examiner.

First, a housekeeping matter. In Applicants previous petition, the undersigned provided the Examiner with first-hand statement of fact that the undersigned, on or about November 7, 2001 spoke with Mr. Daniels via phone, and Mr. Daniels was asked to review the entire specification, figures, claims, etc., and Mr. Daniels refused. As such, Applicant notes that the telephone was used to seek and obtain Mr. Daniels' signature, and Mr. Daniels

refused. In addition, Mr. Daniels since elected to move from his last known address and not provide any forwarding information. Accordingly, when Applicants attempted yet another time to contact Mr. Daniels on March 26, 2002, via mail, Applicants were again unsuccessful with their diligent effort to locate the non-signing inventor Mr. Daniels.

Under the circumstances, it is respectfully submitted that Applicants have exhausted all available steps to obtain Mr. Daniels' signature. Mr. Daniels refused to sign, when asked. Mr. Daniels elected to move and not provide the public with any forwarding contact information. These are facts, not conclusions. The provisions of MPEP 409.03(d) have been fully satisfied and all requirements to accept filing with respect to Mr. Daniels under 37 CFR 1.47(a) have been satisfied.

Turning to Mr. Kennedy, Applicants have another point of order to take up with the Examiner. The Examiner has interpreted MPEP 409.03(d) as requiring, *in addition to the evidence that Mr. Kennedy decided to move and left no forwarding contact information*, evidence that there was an attempt to contact Mr. Kennedy via an internet search, telegram, etc. Applicant does not agree that MPEP 409.03(d) reads in such fashion. MPEP 409.03(d) states that "[c]opies of documentary evidence such as internet searches, certified mail return receipts, cover letter of instructions, telegrams..." may all be relied upon to demonstrate that the non-signing inventor could not be found or reached. It does not state that all such options much be utilized.

Nevertheless, with respect to Mr. Kennedy, the undisputed facts are as follows. Mr. John J. Kennedy is no longer in the employment of the assignee of the application, Textron Automotive Company. Mr. Kennedy forwarded a copy of the application to the last known address that Mr. Kennedy provided to Textron. Mr. Kennedy nonetheless elected to move from this address, and also elected NOT to provide any forwarding information whatsoever. This rather remarkable decision by Mr. Kennedy to seclude himself from public contact by those who only had his last known address was a decision of Mr. Kennedy's that Applicant's are now being asked to overcome by an internet search and/or other investigatory actions.

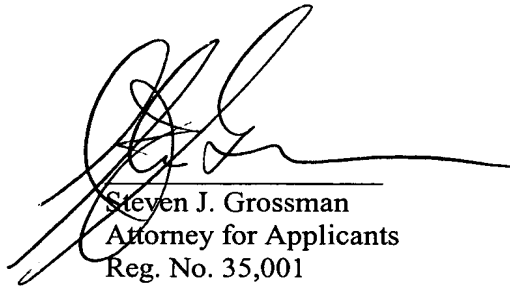
While Applicants consider the need to conduct an investigation to overcome Mr. Kennedy's decision to seclude himself to be well beyond the requirements of "diligent effort" within 37 CFR. 1.47 and MPEP 409.03(a), Applicants nonetheless made such an attempt, and note as follows.

Attached hereto are the results of an internet search within the state of Michigan for "John Kennedy". Applicants note that such a search uncovers 87 hits. Of course, whether or not any of these are the John Kennedy of the present application is unknown; the John

Kennedy herein could have moved to any state in the United States as easily as he could have moved within Michigan. Again, the John Kennedy herein elected to keep his whereabouts completely unknown, and there is simply nothing Applicants herein can do to reverse that decision of Mr. Kennedy.

Under the circumstances, Applicants therefore again respectfully submit that the requirements of 37 CFR. 1.47(a) have been fully satisfied with respect to Mr. Daniels and Mr. Kennedy, and the present application be accepted for United States National stage processing without the signatures of co-inventors Daniels and Kennedy.

Respectfully submitted,



Steven J. Grossman
Attorney for Applicants
Reg. No. 35,001
Grossman, Tucker, Perreault & Pfleger, PLLC
55 South Commercial Street
Manchester, New Hampshire 03101

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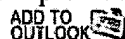
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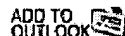
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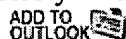
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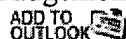
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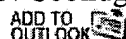
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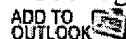
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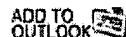
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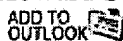
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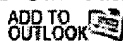
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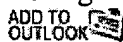
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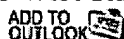
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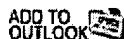
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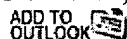
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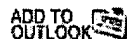
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22 Mile Rd, Utica, MI 48315



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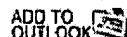
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Kalkaska, MI 49646

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Kennedy, John D

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Hupp Ave, Warren, MI 48089



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Kennedy, John E

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Case Rd, Bellevue, MI 49021



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Kennedy, John E

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Meadowood Dr, Brighton, MI 48114



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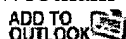
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Kennedy, John E

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Wrotham Ct, Clinton Township, MI 48038



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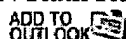
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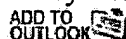
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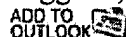
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Stonycroft Dr, Southfield, MI 48034

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Kennedy, John P

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Cranbrooke Dr, Novi, MI 48375



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Kennedy, John R

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Village Ln, Grosse Pointe, MI 48230



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Kennedy, John R

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Arthur Ct, Williamsburg, MI 49690



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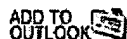
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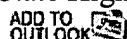
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Kennedy, John W

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State Highway M35, Menominee, MI 49858



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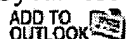
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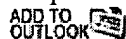
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